

ASSEMBLY BILL

No. 352

Introduced by Assembly Member Koretz

February 10, 2005

An act to amend Sections 12126 and 12130 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 352, as introduced, Koretz. Firearms: microstamping.

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified.

This bill would, commencing January 1, 2007, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired.

By expanding the definition of “unsafe handgun,” the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

Existing law requires the submission of handguns by manufacturers for determining if the handguns are unsafe, as specified.

This bill would provide that, commencing on January 1, 2007, no handgun may be submitted for that testing unless the handgun is designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which

are transferred by imprinting on each cartridge case when the firearm is fired.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12126 of the Penal Code is amended to
- 2 read:
- 3 12126. As used in this chapter, “unsafe handgun” means any
- 4 pistol, revolver, or other firearm capable of being concealed upon
- 5 the person, as defined in subdivision (a) of Section 12001, for
- 6 which any of the following is true:
- 7 (a) For a revolver:
- 8 (1) It does not have a safety device that, either automatically in
- 9 the case of a double-action firing mechanism, or by manual
- 10 operation in the case of a single-action firing mechanism, causes
- 11 the hammer to retract to a point where the firing pin does not rest
- 12 upon the primer of the cartridge.
- 13 (2) It does not meet the firing requirement for handguns
- 14 pursuant to Section 12127.
- 15 (3) It does not meet the drop safety requirement for handguns
- 16 pursuant to Section 12128.
- 17 (b) For a pistol:
- 18 (1) It does not have a positive manually operated safety
- 19 device, as determined by standards relating to imported guns
- 20 promulgated by the federal Bureau of Alcohol, Tobacco, and
- 21 Firearms.
- 22 (2) It does not meet the firing requirement for handguns
- 23 pursuant to Section 12127.
- 24 (3) It does not meet the drop safety requirement for handguns
- 25 pursuant to Section 12128.
- 26 (4) Commencing January 1, 2006, for a center-fire
- 27 semiautomatic pistol that is not already listed on the roster

1 pursuant to Section 12131, it does not have either a chamber load
2 indicator, or a magazine disconnect mechanism.

3 (5) Commencing January 1, 2007, for all center-fire
4 semiautomatic pistols that are not already listed on the roster
5 pursuant to Section 12131, it does not have both a chamber load
6 indicator and if it has a detachable magazine, a magazine
7 disconnect mechanism.

8 (6) Commencing January 1, 2006, for all rimfire
9 semiautomatic pistols that are not already listed on the roster
10 pursuant to Section 12131, it does not have a magazine
11 disconnect mechanism, if it has a detachable magazine.

12 (7) *Commencing January 1, 2007, for all semiautomatic*
13 *pistols that are not already listed on the roster pursuant to*
14 *Section 12131, it is not designed and equipped with a*
15 *microscopic array of characters, that identify the make, model,*
16 *and serial number of the pistol, etched into the interior surface*
17 *or internal working parts of the pistol, and which are transferred*
18 *by imprinting on each cartridge case when the firearm is fired.*

19 (c) As used in this section, a “chamber load indicator” means
20 a device that plainly indicates that a cartridge is in the firing
21 chamber. A device satisfies this definition if it is readily visible,
22 has incorporated or adjacent explanatory text or graphics, or
23 both, and is designed and intended to indicate to a reasonably
24 foreseeable adult user of the pistol, without requiring the user to
25 refer to a user’s manual or any other resource other than the
26 pistol itself, whether a cartridge is in the firing chamber.

27 (d) As used in this section, a “magazine disconnect
28 mechanism” means a mechanism that prevents a semiautomatic
29 pistol that has a detachable magazine from operating to strike the
30 primer of ammunition in the firing chamber when a detachable
31 magazine is not inserted in the semiautomatic pistol.

32 (e) As used in this section, a “semiautomatic pistol” means a
33 pistol, as defined in subdivision (a) of Section 12001, the
34 operating mode of which uses the energy of the explosive in a
35 fixed cartridge to extract a fired cartridge and chamber a fresh
36 cartridge with each single pull of the trigger.

37 SEC. 2. Section 12130 of the Penal Code is amended to read:

38 12130. (a) Any pistol, revolver, or other firearm capable of
39 being concealed upon the person manufactured in this state,
40 imported into the state for sale, kept for sale, or offered or

1 exposed for sale, shall be tested within a reasonable period of
2 time by an independent laboratory certified pursuant to
3 subdivision (b) to determine whether that pistol, revolver, or
4 other firearm capable of being concealed upon the person meets
5 or exceeds the standards defined in Section 12126.

6 (b) On or before October 1, 2000, the Department of Justice
7 shall certify laboratories to verify compliance with the standards
8 defined in Section 12126. The department may charge any
9 laboratory that is seeking certification to test any pistol, revolver,
10 or other firearm capable of being concealed upon the person
11 pursuant to this chapter a fee not exceeding the costs of
12 certification.

13 (c) The certified testing laboratory shall, at the manufacturer's
14 or importer's expense, test the firearm and submit a copy of the
15 final test report directly to the Department of Justice along with a
16 prototype of the weapon to be retained by the department. The
17 department shall notify the manufacturer or importer of its
18 receipt of the final test report and the department's determination
19 as to whether the firearm tested may be sold in this state.

20 (d) (1) Commencing January 1, 2006, no center-fire
21 semiautomatic pistol may be submitted for testing pursuant to
22 this chapter if it does not have either a chamber load indicator as
23 defined in subdivision (c) of Section 12126, or a magazine
24 disconnect mechanism as defined in subdivision (d) of Section
25 12126 if it has a detachable magazine.

26 (2) Commencing January 1, 2007, no center-fire
27 semiautomatic pistol may be submitted for testing pursuant to
28 this chapter if it does not have both a chamber load indicator as
29 defined in subdivision (c) of Section 12126 and a magazine
30 disconnect mechanism as defined in subdivision (d) of Section
31 12126.

32 (3) Commencing January 1, 2006, no rimfire semiautomatic
33 pistol may be submitted for testing pursuant to this chapter if it
34 has a detachable magazine, and does not have a magazine
35 disconnect mechanism as defined in subdivision (d) of Section
36 12126.

37 (4) *Commencing January 1, 2007, no semiautomatic pistol*
38 *may be submitted for testing pursuant to this chapter if it is not*
39 *designed and equipped with a microscopic array of characters,*
40 *that identify the make, model, and serial number of the pistol,*

1 *etched into the interior surface or internal working parts of the*
2 *pistol, and which are transferred by imprinting on each cartridge*
3 *case when the firearm is fired.*

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the
9 penalty for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition of a
11 crime within the meaning of Section 6 of Article XIII B of the
12 California Constitution.